

Exhibit G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In Re: Bard IVC Filters) MD-15-02641-PHX-DGC
Products Liability Litigation)
) Phoenix, Arizona
) May 15, 2018
)

Doris Jones, an individual,)
) Plaintiff,) CV-16-00782-PHX-DGC
)
 v.)
)
C.R. Bard, Inc., a New Jersey)
corporation; and Bard Peripheral)
Vascular, Inc., an Arizona)
corporation,)
) Defendants.)

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 1 - A.M. SESSION

(Pages 1 - 124)

Official Court Reporter:
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared with Computer-Aided Transcription

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1 A. My name is Robert McMeeking. I'm from Santa Barbara,
2 California.

3 Q. And you have the title Doctor, but you are not a medical
4 doctor, correct?

5 A. No. I'm a Doctor of Philosophy in Engineering.

01:01PM

6 Q. So you are an engineering doctor?

7 A. Correct.

8 Q. What do you do for a living, Dr. McMeeking?

9 A. I'm a Professor of Mechanical Engineering at the University
10 of California, Santa Barbara.

11 Q. What is mechanical engineering?

12 A. Mechanical engineering is the creation, the design, and the
13 analysis of mechanical devices.

14 Q. Does that include medical devices?

15 A. Yes, it does.

01:01PM

16 Q. We'll talk a bit about your background and qualifications.

17 But would you tell the jury why you are here today?

18 A. I'm here to testify about Bard's design and testing of its
19 IVC filters, particularly the Recovery, the G2, and the Eclipse
20 Filter, and to discuss the problems I found with the design of
21 those filters and to tell you about the impact that the
22 defective design of the filter had on the filter that is in
23 Mrs. Jones.

01:02PM

24 Q. Have you prepared a summary of your opinions to help
25 illustrate your opinion to the jury?

01:02PM

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1 version of the filter, the Recovery. And as a consequence,
2 they were not -- they were not completely sure of what was
3 causing those failures, and therefore, they were not able to do
4 a redesign of the filter to adequately address the reduction of
5 the incidence of those failures or to be able to eliminate them
6 completely or to reduce them to the greatest extent feasible.

01:04PM

7 Q. Do you have any opinions with respect to the effect of
8 those designs and testing failures on the filter that Mrs.
9 Jones had?

01:04PM

10 A. Yes. It is my opinion that those defects in the design
11 caused the problems that Mrs. Jones suffered from her filter.

12 Q. Let's talk a bit about your background. You are a
13 Professor of Mechanical Engineering and Material Science at
14 UCSB, correct?

01:04PM

15 A. That's correct, yes.

16 Q. How long have you taught mechanical engineering and
17 material science?

18 A. I have taught at University level for 45 years, over 45
19 years. Sorry.

01:04PM

20 Q. Excuse me.

21 In addition to UCSB, where else have you taught?

22 A. As a graduate assistant I taught at Brown University and
23 then I was at Stanford University for two years, 1976 to 1978.
24 Then I moved to the University of Illinois at Urbana-Champaign
25 and I was there from 1978 to 1985, at which stage I moved to

01:05PM

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1 THE COURT: Hold on.

2 MR. STOLLER: Sorry, Your Honor.

3 THE COURT: By curving or chamfering the edge or by
4 eliminating the connection to the cap. Okay. So that's in
5 there. What else do you have in the way of alternative design?
6 Well, let me ask you this. Are you going to elicit alternative
7 design testimony besides that?

02:51PM

8 MR. STOLLER: Yes.

9 THE COURT: What else are you going to elicit?

02:51PM

10 MR. STOLLER: Based on the examination where he was
11 examined by Ms. Daly we're going to elicit testimony that they
12 could have had caudal anchors to elicit caudal movement.

02:51PM

13 THE COURT: Where is that?

14 MR. STOLLER: Page 32. The July 6, 2017: Are there
15 any other changes you think could be made to the filters? He
16 discusses caudal anchors and penetration limiters.

02:51PM

17 THE COURT: All right. I see that on Page 32. What
18 else are you going to elicit?

02:52PM

19 MR. STOLLER: He also testified, Your Honor, at the
20 last trial that the two tier -- the two tier staging of the SNF
21 is a better design to alleviate tilt.

02:52PM

22 THE COURT: What is your response on those three
23 points.

02:52PM

24 MR. NORTH: Your Honor, I think I'm just going to --
25 I'm sorry. He says the opposite in other places. I guess I

02:52PM

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1 just need to impeach him with that.

2 THE COURT: So the three areas are where the arms and
3 legs leave the cap; the angle while attaching to the cap,
4 caudal anchors, penetration limiters.

5 MR. STOLLER: Those are two separate things.

02:52PM

6 THE COURT: I know. And the two-staged tiered
7 approach of the Simon Nitinol. That's what you're eliciting?

8 MR. NORTH: Is the two-tiered fair game just because
9 it was mentioned in the last trial?

10 THE COURT: Well, when I said how do you feel about
11 that, you didn't state an objection.

02:53PM

12 MR. NORTH: I'm asking.

13 THE COURT: Are you asking if I would advise you to
14 object?

15 MR. NORTH: Fair enough. We would object because it
16 was not explored in either the deposition or the --

02:53PM

17 THE COURT: Is the two-tiered in the deposition or
18 report?

19 MR. STOLLER: He identified the SNF as all ulterior
20 design in his report.

02:53PM

21 THE COURT: Can you show me where?

22 MR. STOLLER: Your Honor, I will skip that one in the
23 interest of time. I know I'm not going to deal with it.

24 THE COURT: Okay.

25 (In open court.)

02:53PM

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1 THE COURT: Thanks, Ladies and Gentlemen.

2 BY MR. STOLLER:

3 Q. Dr. McMeeking, I want to talk about some potential
4 alternative design features that you believe may have fixed
5 some of the issues you have identified. Let me talk
6 specifically about the issues you identified about the IVC
7 filter leg coming out of the cap and the concentration of
8 strains there. Do you understand what I'm talking about?

02:54PM

9 A. Yes. Yes, I do.

02:54PM

10 Q. What sort of design changes could Bard have made that would
11 have fixed or reduced the problems with that design issue?

02:54PM

12 A. They could have smoothed the sharp corner to make it
13 gentler.

02:54PM

14 Q. What effect would that have had?

02:54PM

15 A. That would have the effect of avoiding the severe
16 concentration of strain that can occur at that location.

02:54PM

17 Q. And in turn result in less fractures?

02:55PM

18 A. Correct.

02:55PM

19 Q. Okay. With respect to the issue of perforation, what are
20 there -- do you have opinions as to what sort of design changes
21 they could have made to either eliminate or reduce the
22 frequency of that occurrence?

02:55PM

23 A. Yes. They could have added penetration limiters which
24 would be features on the limbs that would help to slow down or
25 even stop the perforation of the limbs through the wall of the

02:55PM

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1 IVC.

2 Q. Does that have effect on migration as well?

3 A. If designed properly, they would have helped to eliminate
4 migration down towards the feet. The hooks which are on the
5 filter already help to limit the tendency for the filter to
6 move toward your head. But adding some hook-like features that
7 would point in the opposite direction would help to stop the
8 filter going downwards.

02:55PM

9 Q. And is there a difference between a design element that you
10 would have added to alleviate the effect of movement down
11 versus the perforation?

02:56PM

12 A. Well, they could have been the same device. But in one
13 case it could have -- hook-like features would have worked. In
14 the other case of penetration limitation, somewhat blunt
15 features would help to slow down the motion of the limb through
16 the wall of the IVC.

02:56PM

17 Q. And the migration downward here, what the jury has been
18 told is called caudal?

19 A. Caudal migration.

20 Q. You would put on something called caudal anchors?

02:56PM

21 A. They are called caudal anchors.

22 Q. Where would those be placed?

23 A. They could be placed either at the feet or the hands of the
24 limbs, and they may be placed elsewhere on the limbs as is
25 convenient for the way that the device is hooked into the IVC

02:56PM

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1 and the way that it's delivered from the delivery tube.

2 Q. Let's talk for a moment, Doctor, about your opinions with
3 respect to Bard's design processes and testing for the Eclipse
4 Filter in the prior generation. And I believe you testified
5 earlier that you have opinions with respect to Bard's actions
6 in testing its filters. What is your opinion?

02:57PM

7 A. My opinion is that the testing was inadequate.

8 Q. And why do you hold that opinion?

02:57PM

9 A. I hold that opinion because in some of the tests that they
10 did do the conditions that were used were not the worst-case
11 conditions that were reasonably foreseeable. And in other
12 cases, there was no test done at all. For example, there was
13 no test to look at whether the filter would tilt after it had
14 been implanted. And there was no test to look at whether the
15 limbs would have a tendency to cut through the wall of the IVC
16 and, therefore, puncture and perforate through the wall of the
17 IVC.

02:57PM

18 Q. Did you review Bard's bench testing?

19 A. I did.

20 Q. Did you review its finite element analysis?

02:58PM

21 A. I did.

22 Q. Was its testing reasonable?

23 A. No.

24 Q. Was its testing adequate?

25 A. No. It wasn't adequate. No.

02:58PM